

Minutes of the Meeting
of the
REAL ESTATE LICENSE COMMISSION
OF THE TERRITORY OF HAWAII

September 23, 1955, at the offices of the Commission, Rooms 109 and 121, Honolulu Armory, corner of Hotel and Miller Streets, Honolulu, T. H.

Present:

Eaton H. Magoon, Chairman
Hirotooshi Yamamoto, Member
Robt E. Bekeart, Administrator

The regular meeting of the Real Estate License Commission of the Territory of Hawaii was called to order by Chairman Magoon, at 9:00 a.m., in the Commission's offices, Rooms 109 and 121, Honolulu Armory, Honolulu, T. H. The reading of the minutes of the previous meeting was dispensed with. The order of business and the actions taken were as follows:

ORDER OF BUSINESS

Case of Mrs. Mildred I. Wood, Saleswoman

Mrs. Mildred Wood and Mr. Norton McQuerrey, broker, were requested to appear before the Commission for an informal questioning on the matter of Mrs. Wood drawing up an agreement for rental of a certain property while still in the employ of Mr. McQuerrey. The Commission was particularly interested in questioning on the Initial Payment Receipt and Contract dated March 1, 1955 executed between Benjamin Huntington and Edward and Gladys Bly which was a rental agreement of five months with option to buy for \$1100.00. Mrs. Mildred I. Wood was identified as the saleswoman and the contract showed a rubber stamp imprint of McQuerrey Realty. However, Mr. McQuerrey denies knowledge of this contract and a copy of such contract was not available in their office files.

Mr. McQuerrey was called in first.

MAGOON: I am sure you know of the matter before the Commission because we had discussed with you when this was presented at the last Commission meeting. The Commissioners are only interested in this particular form; in other words, can you tell us anything about that form as to your direct sponsorship of Mrs. Wood while in your employ.

McQUERREY: Yes, this was about the time she was transferred - I think she was five days with Cliff Stark. Well, I don't keep too close a check of these things. I usually have a

salesman handle and if there is no form, I tell them to get from the office. I only keep deposit slips particularly. I always let my salesman handle so I have been careless; I think everybody is. I keep losing track.....

BEKEART: The whole thing originally started when Mr. Bly came in with a complaint against Mrs. Wood. Mrs. Wood told us that Mr. McQuerrey knew all about this transaction and later on in checking with that office the facts did not add up. Mr. McQuerrey said that they couldn't find anything like this transaction in their files.

McQUERREY: I don't think we were given a copy of this; neither were we given a deposit - she might have talked to me. She might have talk to me it was in the making - I didn't pay much attention. I didn't say she didn't ask, but I admit this was never brought in - she might have talked about it - I don't say she didn't - I hate to say she didn't.....

BEKEART: Didn't you sort of frowned on this type of contract?

McQUERREY: I don't encourage this kind of contract.

MAGOON: What kind?

McQUERREY: It was a rental and option to buy. I don't want to get into this; I do it as a favor.

YAMAMOTO: (referring to the IPRC dated 3/1/55) Mr. McQuerrey, you can't buy this form unless the secretary of the Honolulu Realty Board stamps your name.

McQUERREY: They now quit that. When I bought my last batch she stamped every blessed one.

BEKEART: Well, this affair went along - yet, the man who was supposed to know a little about this transaction wasn't informed at all.

YAMAMOTO: The information is if Mr. McQuerrey is responsible, it is important to know that the transaction started when Mrs. Wood was his saleswoman. The fact he didn't get the money, I don't see how he is responsible.....

McQUERREY: This contract wasn't typed on our typewriter.

YAMAMOTO: Our practice is that when I receive the deposit, I sign the copy that I received the money; that's notice to the buyer that I received the money. Just the salesman's signature is no good or the rubber stamp.

McQUERREY: They don't stamp any more.

MAGOON: Excuse me, Mr. McQuerrey, will you sit outside?
(Mrs. Mildred Wood summoned before the Commission at this time)

MAGOON: Mrs. Wood, this is a sort of an informal hearing, and we don't want to ask any questions that you don't want to answer.

WOOD: There is no question regarding this matter that I am not willing to answer.

MAGOON: No, I am just telling you.....we certainly don't want to get the facts if you don't want to answer questions. You don't have to answer....

WOOD: I am only willing to answer.

MAGOON: This is an informal hearing - more or less to determine whether or not there has been a misunderstanding; so therefore we have no objection if you don't want to answer our questions. It is okay with us.

BEKEART: Mrs. Wood was formerly employed by Mr. McQuerrey, then Mr. Stark, and she is now with Maier Realty Company. Our question boils around the proper use of this Initial Payment Receipt and Contract form. Could you tell us a little about the circumstances around this transaction - the background is pretty familiar.

WOOD: Do you want me to start from the beginning like I did.....

BEKEART: Yes, go ahead.

WOOD: First of all I want to tell you of my contact with Mr. Bly. The first time I met Mr. Bly was through Kenneth Ing. He held an open house and since I live right down there and he had helped me out so I went over. I met Mr. Bly and stayed there and had one prospect and I didn't do anything about it - I took the name and turned it over to Mr. Ing. Well, Mr. Ing's lease or house was supposed to be up February 28 or 29th, any how the last day in February..... I found that I had to move so I went to Mr. Bly knowing that he had a house and asked him whether I could rent the place. We talked and he had some furniture, dining set, bedroom set, a rug and a few articles of furniture and, well, I said I would like to rent the place. Well, he said think it over so I took Mr. Huntington over there; I wanted him to see the place. I introduced him to the Blys and we decided to take the place and Mr. Bly.....

MAGOON: You applying the house for yourself?

WOOD: Myself for rental, so Mr. Bly and Mr. Huntington got to talking and he said, "I will be glad to take it over." That was I think about the 13th of February and Mr. Bly said, "I don't want to have February 13 because Kenneth Ing's listing isn't up until the end of the month." I said I want this made out so that it commences March 1st, so I made it to March 1st, but, first, before in the office I said to Mr. McQuerrey if anything comes up on my propertyhe and Kay were together, just three of us - Kay the secretary.....I didn't think any more about it so I drew up the paper. If I remember correctly, I made 4 papers of the March 1st one. This date here is March 1st which I have here the copy. I have Mr. Huntington's copy; any way with the option of buying on August 1st. Mr. Kanazawa says the papers technically all the papers have August 1st and I had a bad luck - I lost three connections when I transferred to Mr. Stark on March 25 - I wasn't positive and I lost three connections. I also received \$46.00 in government insurance from my late husband; I also received a pension of \$50.00 a month - I might have made over \$400.00 - I went down to VA to make up my income.....

BEKEART: What are you trying to spell out.

WOOD: I am telling you why - I lost my commissions and government money, the government pension, so the government wanted to.....

MAGOON: Would you step out a few minutes.

A conference was held among the members and it was unanimously decided that since there is a litigation on the same matter pending in court, the Commission felt it advisable to drop the matter until a decision has been rendered by the courts or until a formal complaint is filed with this Commission. Furthermore, it was felt by the members that Mrs. Wood was interested in purchasing the property for herself and, therefore, did not constitute a violation of our statutes.

(Mr. McQuerrey was called in again)

MAGOON: Mr. McQuerrey, we got a portion of Mrs. Wood's testimony. I told her she doesn't have to answer any questions - we didn't extract anything that is improper - she could be represented by counsel. It looks to me all brokers, probably myself, would be careless about papers. It looks to me like this lady in good faith, which I think she

wanted to buy this for herself which she has receipt where she had actually the land and she was interested in buying for herself. Naturally, you may have forgotten about it. I think.....in a way, we are not taking any action until a complete adjudication has been rendered by the courts. It wouldn't be fair to reprimand anyone. We are not taking any action against her at this time because there is nothing to base the complaint on. There is nothing I can see where she is "jipping" out of anyone. I feel.....at this time I do not feel that we should condemn anybody unless it has been judiciously decided by the courts so in the face of the contract, there is nothing incorrect.....I feel that there is really nothing wrong at this time.....we don't feel it is fair to make a decision at this time which might prejudice the litigation in court.

McQUERREY: I want the Commission to know that I never take a commission if any of my salesmen is buying their own home.

MAGOON: Why, that's very good. She made the very statement that you never take a commission from a salesman who wants to buy her own home. There is only one thing that I feel that we might impose upon her; that is, the fact that Mr. Ing's original listing.....but she bought for herself but, naturally, she was doing a favor for Mr. Ing but his time was expired so there is nothing irregular about the thing so far as we are concerned.....I am not going to hold her on this contract. We feel that we are going to let this matter stay in abeyance. We are not going to do anything because this matter is in court. Is it not?

WOOD: A letter has been written to the Navy Yard trying to make Mr. Bly and Mr. Kanazawa go to file suit.

MAGOON: Against who?

WOOD: Against Mr. Bly.

MAGOON: We don't care about this - the case is under litigation.

WOOD: I feel that I would like to sue the man; I want to see how things turn out.

MAGOON: Right now we don't want to make a decision either for you or against you - we are not going to say that Mr. Bly was wrong; we are not going to say you are wrong; we are going to let it stand as it until such time as action is brought by some particular person. We feel that as far as the contract form is concerned Mr. McQuerrey has explained his office procedures; he also corroborated the fact that

if anybody in his office wants to buy his own home, he would not make or expect a commission which bears you out. That doesn't mean you are exonerated by any means. This matter is simply pending before our board until..... we don't want to make a decision against you or in favor of you. We feel in all fairness to you we don't want to prejudice you; we want to help your case; therefore, we are not making a decision in the matter here. This board feels that it is not making a decision on this matter, and we are satisfied that you wait the outcome of any judicial decision that will come and after that we willAt the present time, we are not preferring any charges against you or Mr. McQuerrey.....it is status quo.

WOOD: Mr. Magoon, may I just say one word that I didn't ask Mr. Bly for a listing; I asked him to rent the place if he can't sell it. While Mr. Huntington and Mr. Bly got to talking, he could take and make payment in August.....

MAGOON: (interrupting) Well, I think we heard about that..... Until you hear from us further.....

WOOD: See, he's accusing me of fraud.

MAGOON: We have nothing to do this.....

WOOD: Well, that's why.

MAGOON: If Mr. Bly wants to come in here and swears to complain then we can have a court reporter and have a formal hearing. This is just a preliminary hearing to find out here..... we want the case heard now and wait until a judicial hearing.....

WOOD: I haven't received any money from Mr. Huntington - I only think that he paid Mr. Bly that was my rent.....

MAGOON: Thank you.

WOOD: Thank you very much. Good bye.

The members unanimously agreed and ruled that from the facts gained in the informal questioning of Mrs. Wood and Mr. McQuerrey, it would be advisable to drop this matter at this point until a decision is rendered by the courts in the pending litigation and until a formal complaint is lodged with the Commission against Mrs. Wood. The Commission further took into consideration and satisfied itself that there was nothing irregular in the acts of Mrs. Wood in attempting to purchase property for herself.

Request for Waiver of Section 7737,
subparagraph 5, Chapter 150, RLH 1945
by Mrs. Linda D. Drew

In a letter dated September 12, 1955, Mrs. Linda D. Drew petitioned the Commission to allow her to take the coming real estate salesman's examination on October 1, 1955 before meeting the two-year residence requirement as set forth in Section 7737, Paragraph 5, Chapter 150, Revised Laws of Hawaii, 1945, as amended 1953. Mrs. Drew claims that according to our statutes, "there is no legal residency requirement or even mention of a period of residency necessary for the taking of the examination." She further interprets that the intentment of Section 7737, subparagraph 5, which reads: ".....unless such person has been a resident of the Territory for at least two years prior to such issuance;" does not preclude any person from taking the examination but the issuance of the license to successful applicants be subject to completion of the two year residency.

Mrs. Drew requested that she be allowed to make a special plea before the assembled Commissioners and therefore her attendance was granted.

(Mrs. Drew called before the Commission to give her an opportunity to be heard and after formal introductions, the hearing proceeded)

MAGOON: Mrs. Drew, how long have you lived in the Territory?

DREW: Well, it will be two years as of November 1st.

MAGOON: Where were you living before you came here?

DREW: New York.

MAGOON: You gave up your residence in New York?

DREW: Yes, that's why we even sold our furniture and moved over here.

MAGOON: Now, we have a ruling from the Attorney General's office which flatly prohibits in one case where a man had about two months to go to complete his residency. Our conclusion is that this person must first establish his residence before he be permitted to take his examination. Seems to be that the law..... I am a lawyer by profession.....seems to me the law does not say that but I think it is more or less a discretionary power with the Commission whether we will permit you or not to take this examination. However, if we do permit you to take this examination, you will be still subject to take another examination if we so order you to do so.

DREW: Yes, I know.

MAGOON: In the Attorney General's ruling it says we can re-examine the person up to the issuance of your license.

DREW: I understand that.

MAGOON: It is therefore a discretionary power with this Board. I am inclined to feel and so does Mr. Yamamoto that you will be permitted to take this examination subject however to further examination if this Commission so orders you to and, therefore, you are permitted to take the examination.

DREW: Fine, I appreciate this very much - I just hope I can pass it.

MAGOON: That's all. Good bye.

DREW: Good bye and thank you.

The Administrator presented for review the opinion rendered by the Attorney General's office in the matter of Harry C. Weiss' petition to be permitted to take the real estate examination on October 24, 1953 prior to his completion of the two-year residence requirement. The opinion rendered by that office was that Mr. Weiss "must first establish his residency before he may be permitted to take the examination." In order to guide the Administrator in future similar cases, the Commissioners unanimously voted to exercise its discretionary power by requesting that the Administrator present such applications to the attention of this body for study and consideration on each case will be based on its own individual merits. It was further moved, seconded and carried that Mrs. Drew's application be accepted for the October 1 examination and licensure would be subject to Section 7737, subparagraph 5, Chapter 150, Revised Laws of Hawaii, 1945, as amended 1953.

Requests for Reinstatement of
Broker's License by:

(1) RICHARD H. HIGA - The Administrator reported that following his conferences with Attorney General's office on the matter of Richard H. Higa's petition for reinstatement of his broker's license, that office had more or less favorably recommended approval of his request. A memo confirming such recommendation is forthcoming from that office very shortly. A motion was made by Mr. Yamamoto, seconded by Mr. Magoon, and unanimously carried that Mr. Higa's broker's license be restored to him subject to a probationary period of three months.

(2) FRANCIS Y. WONG - In a letter dated September 6, 1955, Mr. Wong made formal application for reinstatement of his broker's license which was voluntarily surrendered to this Commission on April 11, 1955. A letter dated August 22, 1955 from the law office of Fong, Miho, Choy

and Chuck on behalf of their clients, You Kee Ching, Ernest Ching, Wilfred H. S. Young and Q. C. Lum, advised this Commission that they wish to withdraw the complaint filed against Mr. Wong on March 19, 1955. Mr. Wong requested consideration by this body in view of the satisfactory arrangements arrived with the complaining parties and thereby be able to resume his livelihood as a real estate broker.

The Commissioners, after deliberating a while, unanimously voted to leave this matter "status quo" until the Administrator can question him further on his recent activities and satisfy himself that Mr. Wong should or should not have his license restored.

Attorney General's Opinion

An expression from Mr. Michael M. Miyake, Deputy Attorney General, Attorney General's office of the Territory of Hawaii, in answer to our request "relative to the Commission's receiving applications from individuals who desire to stand for a written real estate broker's or salesman's examination when investigational reports disclose outstanding federal and territorial tax liens against such applicants," has been forwarded to this office for future direction. The gist of the opinion was expressed as: "The mere fact that an applicant is heavily indebted to government for current taxes is not in and of itself sufficient to disqualify him. Each case must be determined on its own merits when all the evidence is considered together."

Case of Juan P. Canada, Broker

The complaint filed by Mr. Ben Leaman, Mercantile Adjustment Company, 821 Market Street, San Francisco, California, on behalf of Mr. Gervasio L. Dabalos, against Mr. Canada, broker, was again reviewed. The Administrator reported that he has satisfied himself in the investigation he conducted on the sale of the subject property at 2310 Booth Road to Juan P. Canada and wife, Sarah C. Canada, was in order as to the proper acknowledgement of the deed, both in the signature of Gervasio L. Dabalos and on behalf of Pedro P. Dagamac, whose power of attorney he rightfully held.

A motion was made by Mr. Yamamoto, seconded by Mr. Magoon, and carried that the Commission has no jurisdiction in this matter based upon the findings relative to the said transaction. Mr. Leaman should be informed of our decision and that the matter be pursued in the civil courts if he wishes to seek further satisfaction. The Commission feels satisfied that the matter be closed at this time.

J. P. Odom versus Howdy Reynolds

For the information of the Commissioners, the Administrator reported that a letter of reprimand was sent to Talbert C. Long, salesman for Howdy Reynolds, as instructed by the Commission at its August 2 meeting. Mr. J. P. Odom had called the Commission's attention to an

advertisement for the showing of an "open house" at 270 Wai Nani Way which was construed to be misleading and in violation of the real estate licensing statutes. Mr. Reynolds, sponsoring broker for Mr. Long, has since taken this matter up with his entire sales staff and has given this Commission assurance that a recurrence of this sort will never happen again and the affair has been settled amicably. He further reassured us that Mr. Long will be very closely supervised in the future. It was moved, seconded and carried that this matter be closed.

Report on Milton Allen Co., Ltd.

It was explained by the Administrator that this Commission has been unable to determine the present status of Milton Allen Co., Ltd., a brokerage firm which was granted a license on March 22, 1955. Mrs. Helen Takekawa, principal broker of the corporation, resigned as of July 7, 1955, and no word has been received from that office who will replace her. The Commissioners unanimously voted that a registered mail be sent to Milton Allen Co., Ltd., advising its compliance with our statutes; otherwise, the Commission will have to cancel their brokerage license.

Report on Cross-Von Elsner, Real Estate Brokers

The Commission has been having considerable difficulty in unraveling issuance of licenses of that office straightened out and numerous correspondence have been exchanged to explain the requirements of that section of our laws. This situation reflects the necessity of licensees being fully acquainted with our laws. The Administrator is now satisfied to report that the matter has been straightened out and closed.

Brokerage Applications

Mr. J. Edwin Whitlow, broker, made application for a brokerage license under the trade title WHITLOW & ASSOCIATES, LTD. Upon the Administrator's recommendation, the Commission unanimously approved the granting of a brokerage license to Mr. Whitlow.

A temporary approval for a brokerage license to PACIFIC ISLES, LTD., was granted on August 31, 1955, subject to an official approval of the Commission. The principal broker was named as Erik Lund Jacobsen. As far as the application was concerned the Commission was satisfied that it was in order and unanimously approved the granting of a brokerage license to PACIFIC ISLES, LTD.

Case of John C. Lipham

Miss Eleanor Sepstead, broker, called the Commission's attention to a card being circulated to all brokers under the signature of John C. Lipham as president of Pacific Isles, Ltd. The activities of this

firm has been very closely scrutinized. Mr. Milton Prout, broker, renting space in the same office, reported that without his knowledge his license was transferred to Pacific Isles. The Administrator also reported that on his several visits to Pacific Isles, it appeared that Mr. Jacobsen who is the principal broker, does not seem to have the direct control.

The Commission viewed the above violation and conduct of the corporation with disfavor and should not be continued. It was moved by Mr. Magoon, seconded by Mr. Yamamoto, and carried that a registered letter be sent to Mr. Lipham directing him to cease immediately circulating such cards, while still in the capacity of a real estate salesman, or else we will be forced to take formal action for violating our laws. The Administrator was advised to continue his close surveillance of the activities of Pacific Isles, Ltd.

Case of Tommy Larkin, Jr.

Tommy Larkin, Jr., a real estate salesman, has aroused quite a stir in the community when it was announced in the papers that he was arrested on August 8, 1955 for perjury, on a warrant from California authorities. It was alleged that he gave false testimony during probate of the will of Jesse S. Beckjord, California multimillionaire. This office has been following closely the developments surrounding this case so that appropriate action could be taken on the status of Mr. Larkin's license. The Administrator advised that in the absence of Chairman Magoon, he had conferred with Commissioner Yamamoto and decided to cancel Mr. Larkin's license. Suggestion was also injected that immediate revocation of his license could be considered at this time on the basis that Mr. Larkin had falsified the entries in his broker's application. To clarify the status of Mr. Larkin's license, Chairman Magoon moved, seconded by Mr. Yamamoto, and carried that no further action be taken against Mr. Larkin and the matter be closed. If in the event, Mr. Larkin contacts this office, this Commission would again reopen the case.

Request by David Chung Wo Au

Mr. Au had petitioned the Commission several times to reinstate his salesman's license which was revoked on April 19, 1949 for cause. On his last petition the Commission considered his application upon successfully passing a written examination. A few days ago, Mr. Au came in with his attorney, Clarence Fong, that the Commission grant him a special privilege by allowing him to take an oral examination rather than a written one. He also reported that he had received a full and free pardon from the President of the United States on his felony charge.

The Commissioners unanimously moved, seconded and carried that such a request be denied to Mr. Au. He is required to take a written examination like the rest of the applicants.

Hawaii Multiple Listing Service
Operated by Mat Goldine

A card circulated by Mr. Mat Goldine announcing the Hawaii Multiple Listing Service was presented to the Commission. Mr. Goldine had been carrying on similar operation in Los Angeles, and he claims that he only handles the advertising end but as far as the actual selling of the property, he does not enter in the picture; therefore, he won't receive any commission. The Commission viewed this explanation very dimly. Chairman Magoon took a firm stand that this is a definite case of an "advance fee listing operation" and therefore a violation of our laws. It was suggested that the Attorney General's office be consulted for some ruling and we should further call this matter to the attention of the Honolulu Realty Board. The Commission unanimously ruled that Mr. Goldine be advised of this violation and that he should first obtain a real estate broker's license before he can operate such an agency.

National Business & Property Exchange
Represented by Carter Agency in the Territory

In an ad in the Honolulu Star-Bulletin, dated September 20, 1955, Mr. Melville Carter announced he is the authorized representative in the Territory of the National Business & Property Exchange. Mr. Carter had come in earlier to explain the operation of the Exchange which sounded like another "advance fee listing service." It was moved by Mr. Magoon, seconded by Mr. Yamamoto, and carried, that Mr. Carter be advised immediately that he is in violation of Chapter 150, Revised Laws of Hawaii, 1945, as amended, 1953.

Commissioner J. Patton Odom's Resignation

A copy of the letter dated August 10, 1955 to Honorable Samuel Wilder King by J. Patton Odom tendering his resignation as a member of the Real Estate License Commission of the Territory was presented to the Commission for its consideration. Commissioners Magoon and Yamamoto unanimously accepted Commissioner Odom's resignation with deep regret and with fondest wishes for his future success.

Robt E. Bekeart, Administrator
Applicant for a Salesman's License

It was announced by Chairman Magoon that Mr. Robt E. Bekeart, Administrator of the Real Estate License Commission, took the real estate salesman's examination on September 2, 1955 and passed with the grade of 94.30. It was unanimously moved and carried that the Administrator be approved for licensure as a real estate salesman only with the condition that such license cannot be used as long as he is an employee of the Real Estate License Commission.

Real Estate Examination Scheduled for 10/1/55

A change of location of the place of examination from Stevenson Intermediate School to Washington Intermediate School was unanimously approved by the members.

A review was made of the applicants with either a derogatory credit or police record on the following:

Salesman Applicants:

<u>Police</u>	<u>Credit</u>
Robert Takao Arizumi	Grover Wallace Lofton
Owen George Fowler	Angeles Alexander Fernandes
	Herbert Otto Paul Lagerfeld
	Stuart Han Wa Lum
	Roscoe Ward Riley
	Charles W. Sakuma
	Richard C. Tighe
	Leonard K. Fong

Broker Applicants:

<u>Police</u>	<u>Credit</u>
Jerry Ah Yew Ching	D. C. Ching
Jack Nosaka	Damon Sakai

It was unanimously moved and carried that the records against the above applicants were not serious enough to bar them from taking the examination, except in the case of Robert T. Arizumi. However, if Mr. Arizumi is allowed to take the examination he will be subject to Section 7737, subparagraph 2.

Special Consideration by Seventh Day Adventists: The special requests by Mrs. Norman T. Prout, Mrs. May E. Chung, and Mr. Grover W. Lofton to take their salesman's examination other than a Saturday because of religious belief was unanimously granted. The Commission voted to examine them on Monday, October 3, 1955.

Residence Requirement: The eligibility as residents of the Territory as required under Section 7737, subsection 5, was questioned on the following:

1. Linda D. Drew (refer to informal hearing)
2. Gerald Lipham
3. David Patterson

The Commission will allow them to take the examination subject to fulfillment of said section of our law.

Applicants from Castle & Cooke, Ltd. - Land Department: Administrator presented a communication from Castle & Cooke, Ltd., Land Department, on behalf of its employees who wish to take the salesman's examination to wit: Kenneth R. Nurse, Jack K. Palk, Rowland B. Reese, Donald C. Camp. Approval was unanimously given to allow them to take the coming examination.

Outside Applicants: Applications for one salesman and one broker from Hawaii and two salesmen applications from Kauai have been received. Chairman Magoon moved, seconded by Mr. Yamamoto and carried that the Administrator conduct the examination on the Island of Kauai and Elaine Kakutani conduct the examination on the Island of Hawaii. The Administrator was further authorized to rent a U-Drive car to conduct some investigation while on the Island of Kauai.

NALLO Convention Progress

Honorable Samuel Wilder King, Governor of the Territory of Hawaii, has officially approved on September 17, 1955 the Commission's request to send Chairman Magoon and Commissioner Yamamoto to attend the NALLO Convention to be held in New York, November 1-5, 1955.

Mr. Yamamoto has already received confirmation of room reservation at Hotel Commodore. Mr. Magoon will check further on his reservation.

Chairman Magoon delegated the responsibility of participating in the Square Inch panel discussion to Commissioner Yamamoto and requested that the Administrator assist in preparing and compiling the necessary information.

George R. Warfield versus Kailua Realty Co.

Mr. George Warfield, broker, wrote to the Commission that another broker is infringing upon his rights by using the name Kailua Realty Company which he states was registered with the Treasurer of the Territory of Hawaii in 1948. This Commission had approved the same name to Parker D. Jeffers, broker, to use such fictitious upon proper application on May 11, 1954. Our records fail to show that Mr. Warfield ever registered his trade name with this Commission. Mr. Jeffers has already turned this matter over to his attorney, Mr. John Canright. The Commissioners requested that the Administrator advise Mr. Warfield the information in our records.

Sanford Parker versus Cecelia V. Schultz

A complaint was filed by Mr. Parker of Security Finance Company, Ltd., against a Mrs. Cecelia Schultz who, claimed, is acting in the capacity of a real estate saleswoman without a license. A thorough investigation was conducted which revealed that Mrs. Schultz had not violated our laws that she was acting under a power of attorney.

Request for Change of Brokerage Name

A request of brokerage name from Hawaii Business Brokers, Ltd., to PROPERTY & BUSINESS MART, LTD., has been temporarily approved on August 13, 1955 pending the Commission's official approval. Upon a motion by Mr. Yamamoto, second of Mr. Magoon, and carried, it was officially approved that such change of name be granted.

Reinstatement Requests

Upon the recommendation of the Administrator, the following petitioners for reinstatement were approved:

Henry K. F. Lam, broker
 Lucretia Kearns, saleswoman
 Philip M. Elliot, salesman
 Michio Munekata, salesman

Branch Office Requests by Alex H. F. Castro

Mr. Castro, broker, made proper applications to open branch offices at Waiialae Shopping Center and at 3654 Salt Lake Boulevard. Unanimous approval was granted for such branch offices.

Commission's Special Fund Report

The following financial report for the month of August 1955 was unanimously approved by the Commission:

Balance in Special Fund as of 7/31/55.....	\$26,283.85	
Fees collected in August 1955.....	1,321.00	
		<u>\$27,604.85</u>
Office Expenditures.....	\$ 134.05	
Pay Roll.....	1,035.47	
		<u>1,169.52</u>
Balance in Special Fund as of August 31, 1955.....	<u>\$26,435.33</u>	

Licensee of Two Different Jurisdictions

The Administrator explained that Robert Paine is a licensed broker and a licensed business opportunity broker in the State of California and is also a licensed broker in the Territory of Hawaii. His California license is in an inactive status since moving to Honolulu. Question was asked whether Mr. Paine can operate in both jurisdictions if he is properly licensed and meets all the requirements of each state's laws. The Commission unanimously agreed that this is a very good problem to take it up at the coming NALLO Convention.

Transfer of Commission's Special Fund
to Governor's Fund

Commissioners Magoon and Yamamoto felt that this Commission is financially secure to volunteer a contribution of \$10,000 from the Commission's Special Fund to add to the Governor's Fund. The Administrator was authorized to proceed immediately to withdraw the \$10,000 from our Special Fund by first clearing with the proper authorities in the proper procedure to follow for transferring such funds.

Adjournment

There being no further business to discuss, the meeting was adjourned at 11:30 a.m.

Respectfully submitted,



Robt E. Bekeart
Administrator

REB:etk